

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

645E0065

HOUSE BILL NO. 1011

Introduced by: The Committee on Local Government at the request of the Secretary of
State

1 FOR AN ACT ENTITLED, An Act to revise certain election provisions concerning political
2 parties and candidates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 12-5-1.2 be repealed.

5 ~~12-5-1.2. To the extent that a political party is authorized to provide for the means of~~
6 ~~selecting party officers other than election in a primary, such a provision of their constitution or~~
7 ~~bylaws which does so shall not be effective until it has been on file in the Office of the Secretary~~
8 ~~of State for a period of one hundred fifty days.~~

9 Section 2. That § 12-5-1.4 be amended to read as follows:

10 12-5-1.4. If a political party qualifies for the primary ballot under § 12-5-1, candidates each
11 candidate intending to participate in the primary election the first year of qualification shall file
12 a nominating petitions petition pursuant to § 12-6-4. ~~However, if no voting history exists to~~
13 ~~determine the number of signatures required, state or federal candidates~~ Each state and federal
14 candidate shall file ~~petitions~~ a petition bearing signatures of at least two hundred fifty registered
15 voters in the new party, each legislative and county ~~candidates~~ candidate shall file ~~petitions a~~

1 petition bearing signatures of at least five registered voters in the new party.

2 Section 3. That § 12-5-2 be amended to read as follows:

3 12-5-2. ~~At each primary election the members of the respective political parties shall~~ Each
4 political party may ~~elect the precinct committeemen and precinct committeewomen of their~~
5 ~~political party, and pursuant to their constitution or bylaws shall elect or appoint, or both elect~~
6 ~~and appoint, the number of delegates and alternates set by the constitution or bylaws from each~~
7 ~~county for each political party to the state convention of the party. In the years when a President~~
8 ~~of the United States is to be elected, the political parties shall elect delegates and alternates to~~
9 ~~the national convention of each political party in accordance with the provisions of §§ 12-5-3.6~~
10 ~~to 12-5-3.15, inclusive. If delegates and alternates are not elected at large from the entire state~~
11 ~~the constitution or bylaws shall set forth the area boundaries for representation coincident with~~
12 ~~some geographical division of the state otherwise authorized or provided by law~~ at each primary
13 election. If a party chooses to elect precinct committeemen and committeewomen at the primary,
14 the provisions of §§ 12-5-4 to 12-5-13, inclusive, apply.

15 Section 4. That § 12-5-3.6 be amended to read as follows:

16 12-5-3.6. A state political party, in its constitution or bylaws, ~~or by action of its state~~
17 ~~convention, meeting in the even nonpresidential election years,~~ shall determine the method of
18 allocating delegates and alternates to its next national convention.

19 Section 5. That § 12-5-3.7 be repealed.

20 ~~—12-5-3.7. Each political party shall determine the method by which its national convention~~
21 ~~delegates and alternates are chosen in the same manner as provided by § 12-5-3.6.~~

22 Section 6. That § 12-5-3.8 be amended to read as follows:

23 12-5-3.8. If a political party chooses to have a primary for selection of its delegates and
24 alternates to the national convention, it shall certify the candidate names or the delegate and

1 alternate slates which are to be listed on the primary ballot to the secretary of state by the first
2 Tuesday in April preceding the primary by five o'clock p.m. ~~The~~ Only candidates or slates
3 certified ~~shall~~ may be placed on the ballot by the secretary of state and the position of the
4 candidates or slates on the primary ballot shall be chosen by lot by the secretary of state. The
5 certification shall be deemed to be filed if mailed by registered mail by five ~~o'clock~~ p.m. on the
6 first Tuesday in April.

7 Section 7. That § 12-5-3.9 be amended to read as follows:

8 12-5-3.9. The state ~~chairman~~ chairperson of the political party shall certify the candidates or
9 slates to the secretary of state. ~~In the event~~ If the state ~~chairman~~ chairperson wrongfully refuses
10 to so certify, the aggrieved slate of delegates and alternates ~~shall be~~ are entitled to a writ of
11 mandamus against the state ~~chairman~~ chairperson pursuant to chapter 21-29 to compel
12 certification. A hearing upon the writ shall be held within five days of the commencement of the
13 action.

14 Section 8. That § 12-5-3.10 be repealed.

15 ~~— 12-5-3.10. In the event the political party does not choose by its constitution, bylaws or its~~
16 ~~state convention the method of selecting its delegates and alternates to the national convention;~~
17 ~~it shall, at its state party convention, meeting in the even nonpresidential years, choose the~~
18 ~~method of selection from the alternatives as follows:~~

19 ~~— (1) — The slate of delegates and alternates receiving the highest number of votes shall be~~
20 ~~declared elected.~~

21 ~~— (2) — The total number of delegates and an equal number of alternates to the national~~
22 ~~convention shall be allocated between the two leading slates of the political party, and~~
23 ~~the same proportion of the total vote each slate received bears to the total combined~~
24 ~~votes of both slates. The appropriate number of delegates and alternates from each~~

1 ~~slate shall be deemed elected in the order in which the names appeared on the ballot.~~
2 ~~—(3)—An allocation may be made among two or more slates which grants representation~~
3 ~~proportionately to various slates receiving a number of votes stated in the constitution~~
4 ~~or bylaws of the political party to be significant for purposes of representation of~~
5 ~~either, area of the state or support for candidates, or both, which shall be stated in the~~
6 ~~constitution or bylaws. A certificate of election shall be issued by the state party~~
7 ~~chairman to each delegate and each alternate entitled thereto by allocation.~~

8 Section 9. That § 12-5-14 be repealed.

9 ~~—12-5-14. The precinct committeemen and the precinct committeewomen of each political~~
10 ~~party elected at the primary election; the state committeemen and committeewomen; the county~~
11 ~~chairman, vice-chairman, and secretary-treasurer or secretary and treasurer; and the elected~~
12 ~~public officers who reside in the county, shall constitute the county central committee of their~~
13 ~~respective parties. They shall form their party organization by electing a county chairman, a~~
14 ~~vice-chairman, a secretary-treasurer or a secretary and a treasurer, a state committeeman and a~~
15 ~~state committeewoman, who shall hold their offices until their successors have been elected. A~~
16 ~~majority vote of the precinct committeemen and committeewomen, state committeemen and~~
17 ~~committeewomen, county officers and elected public officers present, shall constitute an election~~
18 ~~which shall be certified to the county auditor, except that the election of state committeemen,~~
19 ~~committeewomen and county chairmen shall also be certified to the secretary of state. Each~~
20 ~~political party shall adopt bylaws pursuant to § 12-5-1.1 determining the organization and~~
21 ~~procedure of its county central committee.~~

22 Section 10. That § 12-5-15 be repealed.

23 ~~—12-5-15. Vacancies occurring in any precinct or in any position the election to which is~~
24 ~~provided for in § 12-5-14 by reason of death, resignation, or otherwise, and the filling of such~~

~~vacancies, shall also be so certified. The county central committee shall have power to fill vacancies in its membership, or in the office of any other position the election to which is provided for in § 12-5-14.~~

Section 11. That § 12-5-16 be repealed.

~~—12-5-16. Each political party shall adopt bylaws pursuant to § 12-5-1.1 to determine which members of the county central committee shall represent all the party voters at the meetings of the State Central Committee.~~

Section 12. That § 12-5-17 be repealed.

~~—12-5-17. Each political party shall hold a state convention in each even-numbered year in which they are necessary for the purposes of § 12-5-21. The time and place of holding such convention shall be determined by the State Central Committee of each political party, the chairman of which shall notify the secretary of state at least thirty days previous to the date so chosen.~~

Section 13. That § 12-5-18 be repealed.

~~—12-5-18. At the state convention of a political party, each delegate shall vote the number of votes equal to his proportionate representation as to all delegates present from that county bears to the number of votes cast in his county at the last gubernatorial election for his party candidate for Governor.~~

Section 14. That § 12-5-19 be repealed.

~~—12-5-19. After perfecting its organization, in years in which nominations are made pursuant to § 12-5-21, the convention shall proceed to adopt the state platform of the party, voting on each plank separately.~~

Section 15. That § 12-5-21 be amended to read as follows:

12-5-21. The state convention ~~shall~~ may nominate candidates for lieutenant governor,

1 attorney general, secretary of state, state auditor, state treasurer, commissioner of school and
2 public lands, and public utilities commissioner and, in the years when a President of the United
3 States is to be elected, presidential electors and national committeeman and national
4 committeewoman of the party.

5 Section 16. That § 12-5-22 be amended to read as follows:

6 12-5-22. Nominations by a state convention shall be made by a majority vote of the votes
7 cast; and shall be certified to the secretary of state by the officers of the convention, immediately
8 at the close of the convention. The certification shall be delivered to the secretary of state no
9 later than the second Tuesday in August.

10 Section 17. That § 12-5-23 be repealed.

11 ~~12-5-23. The state convention, unless otherwise prescribed by party constitution or bylaws,~~
12 ~~shall also elect the party state chairman and vice-chairman who shall be of opposite sex and other~~
13 ~~officers needed to complete the state organization of the party.~~

14 Section 18. That § 12-5-24 be repealed.

15 ~~12-5-24. A vacancy occurring in any position, such as delegate or alternate delegate to a~~
16 ~~national convention, national committeeman, national committeewoman or state chairman, by~~
17 ~~death, resignation, or otherwise, shall be filled in accordance with the party's bylaws. Vacancies~~
18 ~~occurring in any such office by reason of death, resignation, or otherwise, and the filling of such~~
19 ~~vacancies, shall be certified to the secretary of state.~~